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 Pages: 1-27
 Exhibits:

COMMONWEALTH OF MASSACHUSETTS
 Hampden, ss. Superior Court Department
 OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

* Docket No. 2012-43

AYYUB ABDUL-ALIM

Defendant

* * * * *

VOIR DIRE MOTION TO SUPPRESS HELD
 BEFORE THE HONORABLE JOHN FERRARA

APPEARANCES:

For the Commonwealth:

Hampden District Attorney's Office
 Springfield, Massachusetts 01103

By: Frank Flannery, First Assistant District Attorney

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By: Thomas Robinson, Esquire

Springfield, Massachusetts
 Court Room 5
 Date: August 28, 2013

Patricia A. Flaherty
 Official Court Reporter

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I N D E X

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VOIR DIRE MOTION TO SUPPRESS

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WITNESSES:DIRECT CROSS REDIRECT RECROSS

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Called by the Commonwealth

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RONALD SHEEHAN
Resumes

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By Mr. Robinson

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1 (Court in Session
2 August 28, 2013
3 Honorable John Ferrara

4 THE COURT: Good morning.

5 (The Defendant enters the court room).

6 THE CLERK: Your Honor, we are back on record,
7 Commonwealth versus Ayyub Abdul-Alim, Docket Number
8 2012-43, with Attorneys Flannery and Robinson.

9 MR. FLANNERY: Good afternoon, Your Honor.

10 MR. ROBINSON: Good afternoon.

11 THE COURT: Good afternoon. Actually, you may
12 resume the stand. You are still under oath. And I
13 believe you left off with investigations of special
14 agents.

15 MR. ROBINSON: Yes.

16 CONTINUATION OF VOIR DIRE HEARING

17 RONALD SHEEHAN, Resumes

18 CROSS-EXAMINATION

19 BY MR. ROBINSON

20 Q. So, we were talking about when we left off about
21 Special Agent James Hisgen. He is a member of the New
22 England Counter Task Force, is that correct?

23 A. That's correct.

24 Q. And Special Agent Hisgen has been involved in
25 investigations with, focusing on Mr. Abdul-Alim, is
that correct?

1 MR. FLANNERY: I object, Your Honor. Again, it is
2 beyond the scope.

3 THE COURT: Sustained.

4 Q. (BY MR. ROBINSON) After Mr. Ayyub Abdul-Alim was
5 arrested, Special Agent Hisgen was in the police
6 station at Pearl Street, is that correct?

7 A. Several days later, yes.

8 Q. So he was not present on the date of the arrest?

9 A. That's correct.

10 Q. He was present on December 11th?

11 A. Sunday, it was two days later, the 11th, yes.

12 Q. And both you and Mr., or Special Agent Hisgen
13 interviewed Mr. Abdul-Alim, is that correct?

14 A. That's correct.

15 Q. That interview was not video recorded, was it?

16 A. That is correct.

17 Q. Now, moving back in time, you indicated
18 previously that one of your encounters with
19 Mr. Abdul-Alim was as a result of a motor stop in May
20 of 2009, is that correct?

21 A. That is correct.

22 Q. All right. And at that time, Mr. Abdul was cited
23 for a red lens violation and operating without a
24 license, is that correct?

25 A. That is correct.

1 Q. And the red lens violation essentially had to do
2 with a red light?

3 A. That is correct.

4 Q. And had you been following Mr. Abdul-Alim prior
5 to that red lens violation?

6 A. No.

7 Q. Had any other law enforcement been involved
8 following Mr. Abdul prior to that red lens violation?

9 MR. FLANNERY: Objection, beyond the scope. I
10 don't see how it goes to his familiarity with this
11 Defendant.

12 THE COURT: So what is it going to?

13 MR. ROBINSON: Well, Your Honor, if there were
14 other investigations involved, Officer Sheehan was aware
15 of the focus on my client, and that it would be relevant
16 to --

17 THE COURT: Did this cause Officer Sheehan to stop
18 the victim on that day in May of 2009?

19 MR. ROBINSON: Yes.

20 THE COURT: Do you know if there was another officer
21 at the time?

22 MR. ROBINSON: I believe there was an officer who
23 wrote a report and did not list Officer Sheehan as being
24 present.

25 THE COURT: Over-ruled.

1 Q. (BY MR. ROBINSON) Were there any other -- was
2 any other law enforcement personnel following
3 Mr. Abdul-Alim prior to this stop on that day in May of
4 2009?

5 A. No, it was just Officer Edward Manzi that
6 initiated the stop based on his observations, to my
7 understanding.

8 Q. Okay. And were you present in the car with that
9 officer?

10 A. No.

11 Q. Okay. You arrived on scene later?

12 A. Yes, that's correct.

13 Q. Okay. And during -- and that stop was for a red
14 lens violation and operating without a license, is that
15 correct?

16 A. I believe so.

17 Q. And during the course of that stop, you arrived
18 on scene?

19 A. That's correct.

20 Q. And you ended up speaking with Mr. Abdul-Alim?

21 A. That's correct.

22 Q. For several minutes?

23 A. Yes.

24 Q. And what did you discuss?

25 A. The vehicle that was being operated by Alim had

1 been previously run by narcotics officers the previous
2 evening in the early hours of the morning, or I believe
3 it was narcotics officers in the area of State Street,
4 and I inquired just to the general information about why
5 the vehicle was at the location. That is about it.

6 Q. And did you receive responses from Mr.
7 Abdul-Alim?

8 A. I couldn't tell you what they were. The
9 communication was a brief conversation. That is about
10 it.

11 Q. And was that, as far as you recall, is that the
12 totality of what you discussed?

13 A. That is the general extent, basically inquiries
14 about any potential, asked him if there were any reason
15 why a police officer would run the vehicle. It was small
16 talk.

17 Q. Now, you also indicated previously that you were
18 discussing an investigation of a complaint of indecent
19 assault and battery and open and gross lewdness. You
20 were referring to that earlier in your testimony?

21 A. Yes, sir.

22 Q. And those allegations came out in July of 2010,
23 is that correct?

24 A. Excuse me, one second.

25 (The witness puts on his glasses).

1 No, the incident report is dated in 2009. I'm not
2 sure of the exact date of the incident, but it would be
3 2009.

4 Q. So the investigation began in 2009?

5 A. Yes.

6 Q. Approximately October?

7 A. I couldn't tell you off the top of my head.

8 Q. Okay. But Officer Monique Turcotte, she
9 conducted the initial investigation?

10 A. I don't have the report to review right now, sir.
11 I don't know.

12 Q. If I were to show you that report, would that
13 refresh your recollection?

14 A. Yes. It was submitted with the affidavit, so you
15 should have a copy of it.

16 MR. ROBINSON: May I approach, Your Honor?

17 THE COURT: You may.

18 (Mr. Robinson shows document to Mr. Flannery and then to
19 the witness).

20 THE WITNESS: Thank you.

21 Q. (BY MR. ROBINSON) Would you take a moment to
22 review that. Does that document refresh your
23 recollection as to when the investigation began with
24 respect to those?

25 A. It would be October of 2009. It doesn't have

1 Officer Turcotte's name. This Defendant, however, that
2 is -- oh, it does, up at the top, Officer Monique
3 Turcotte, yes.

4 Q. And the person who had made the allegations in
5 that statement identified a person by the name of Ayyub
6 Abdul-Lotte, is that correct?

7 A. That wasn't in there that I can see.

8 Q. And you wrote a supplemental report or you wrote
9 another report in July of 2010, is that correct?

10 A. That is correct.

11 Q. And that report, you stated your belief that
12 Ayyub Abdul-Lotte was in fact Ayyub Abdul-Alim?

13 A. Based on the description provided by the victim,
14 yes.

15 Q. And you also, as part of your -- during the
16 course of your investigations of Mr. Abdul, you have
17 checked his criminal record, is that correct?

18 A. Yes.

19 Q. And there isn't a known alias of Abdul-Lotte for
20 Mr. Abdul-Alim?

21 A. Not that I'm aware of. I'm not aware of one.

22 Q. Okay. And so, in that charge of indecent
23 assault and battery or in that claim that is before
24 that, before in that police report, that was initially
25 reported in October of 2009?

1 A. That's correct.

2 Q. And so, it took almost a year for someone to
3 associate Mr. Abdul with that case, is that correct?

4 A. I was reviewing the reports, and in the process,
5 immediately I recognized the description given, and my
6 responsibility at that point is to draw an association
7 between the potential suspect in the case and the name
8 provided by the victim.

9 Thus, I wrote a report and I submitted it to the
10 supervisor that was in charge of that division.

11 Q. So, but from the point when it was reported to
12 the point when that occurred when you made that
13 association, that was almost a year, is that fair to
14 say?

15 A. That is correct.

16 Q. And to date, the police department has taken no
17 action against Mr. Abdul-Alim with respect to that, is
18 that correct?

19 A. Yes. It is my belief that the victim became
20 unwilling to take him forward out of despairance.

21 Q. And the police never interviewed Mr. Abdul-Alim
22 with respect to that claim, is that correct?

23 A. To my understanding, they did speak to him but
24 they didn't recognize him or identify him as the
25 individual, but that is my understanding. You would

1 have to -- the answer is I'm not sure.

2 Q. Now, you also indicated that you were familiar
3 with Mr. Abdul as a result of your work in the
4 Springfield Police Department's extra job detail?

5 A. That is correct.

6 Q. At the Walgreen's pharmacy?

7 A. Yes.

8 Q. And that is located at 707 State Street?

9 A. That's correct.

10 Q. And you indicated that you encountered him there
11 several times?

12 A. Yes.

13 Q. Now, during one encounter, he had requested help
14 in looking for a lost cell phone?

15 A. Yes, he lost a cell phone and thought he lost it
16 in the store.

17 Q. And he sought your assistance in looking for it?

18 A. Yes, he spoke to me about it.

19 Q. And there was another encounter in the summer of
20 2011, is that correct?

21 A. Yes.

22 Q. And Mr. Abdul-Alim at that time was checking
23 out, he was going to purchase some items at the CVS at
24 that time?

25 A. I don't know what he was doing. He was in the

1 check-out line to do something and to purchase items, it
2 appeared.

3 Q. And you indicated that he walked over to where
4 you were standing and that you thought that he was
5 pretending to look at merchandise as he was standing
6 close to you?

7 A. Yes, it appeared that he was attempting to get
8 close to my service weapon.

9 Q. So he was just pretending to be occupied with
10 looking at merchandise on the shelves?

11 A. That was my impression. He came to the flowers
12 that were positioned to the right hand side of my body.

13 Q. But you didn't know what was actually going on
14 in his mind, right?

15 A. No, but I was aware that, it was my awareness
16 about the situation.

17 Q. Okay. And you indicated that he appeared to be
18 putting his hand in close proximity to your holstered
19 gun, is that right?

20 A. That's correct.

21 Q. And it was your belief that he was trying to get
22 close to your firearm, is that correct?

23 A. The common tactic or practice of that is
24 taking -- criminals will sometimes attempt to get close
25 to officers' weapons to see if they can actually extract

1 the weapon, and there will be a probing of how close
2 they can get to an officer, and that was my perception
3 at the time, that he was probing to see how close he
4 could get to my weapon.

5 Q. Okay. And after that -- and so he never made
6 any move to grab your firearm, is that correct?

7 A. I had my hand on my weapon and it was safely
8 secured, and I was aware of his proximity to me, and I
9 was aware of who he was, and I was more or less making
10 observations at this point to see what he was going to
11 do next.

12 Q. But there was no -- he never made a lunging
13 movement or --

14 A. No.

15 Q. -- to grab your gun?

16 A. He made lunging movements shortly thereafter, but
17 it was after he stepped away from me.

18 Q. So after he stepped away from you, he got back
19 in line, is that correct?

20 A. No, he sort of just made it to the middle of the
21 aisle and started to appear to do, what appeared to be
22 Martial Arts moves in the middle of the aisle. It was
23 strange behavior to say the least.

24 Q. When you say Martial Arts moves, what kind of
25 moves --

1 A. Stretching, raising the leg up, squatting, and
2 stuff that just was unexplainable as to why he was doing
3 that. Once again, I'm thinking he's trying to see what
4 my reaction is going to be, how, you know, doing what
5 appears to be Martial Arts moves. That is the best way
6 I can describe it.

7 Q. From lunges and kicks and that kind of thing?

8 A. Not in my direction, but there was legs being
9 raised and arms being thrust out, not in a directed
10 manner towards me but just in an erratic manner, not
11 towards me, but it appeared that he was trying to
12 attempt my arousal to see what I would do.

13 Q. And you indicated at that time some other people
14 in the store became aware of him doing that?

15 A. There was a clerk that was a witness in this
16 event, his name is Angel, and he was watching, and he
17 witnessed it.

18 Q. And but Mr. Abdul was never charged with
19 disorderly conduct and/or with a crime involving
20 interfering with your duties, is that correct?

21 A. I didn't take it as an attempt to interfere with
22 my duties. I gathered the information that he was
23 involved with potentially probing out a weapon, and I
24 notified my Sergeant at the time that he, you know, that
25 this is what he did. And that is something we are

1 trained in at the academy. We all have to be aware of
2 this. It is something that is brought to our attention,
3 so all officers are aware of this, and that is what made
4 me aware of his actions. That potentially is what he
5 was doing.

6 Q. And you said you notified your supervisor. Did
7 you do so in writing or was that verbal?

8 A. Verbal, that is right.

9 Q. And who was the Sergeant or --

10 A. Sergeant Tarpey.

11 Q. Sergeant Tarpey.

12 MR. ROBINSON: May I have a moment Your Honor?

13 THE COURT: Surely.

14 (A brief pause).

15 Q. (BY MR. ROBINSON) Are you familiar with a
16 gentleman by the name of Norton or Nord Simmons, a
17 gentleman who lives in that area?

18 A. The name sounds familiar, and --

19 MR. FLANNERY: I'm sorry, Your Honor, may I object
20 to the scope?

21 THE COURT: Yes. Well, what do you suggest that the
22 scope is-- well, what is the scope?

23 MR. ROBINSON: Well, Your Honor, there is a
24 gentleman -- I gather there is a gentleman by that name
25 who has been arrested for similar type of behavior in

1 that area and apparently he has some health issues and
2 does Martial Arts moves.

3 THE COURT: Well, I understand that you are trying
4 to suppress some discovery of a certain item in a motion
5 to suppress or items that obviously you want to
6 suppress?

7 MR. ROBINSON: Yes, Your Honor.

8 THE COURT: Am I missing something? Since I don't
9 think that this police officer's testimony about the
10 incident is relevant to the familiarity in the sense
11 that I don't think he could be mistaken of the arrest of
12 the person.

13 MR. ROBINSON: Yes, Your Honor.

14 THE COURT: So my question is, am I missing
15 something? Tell me why it is relevant, or I will
16 sustain the objection.

17 MR. ROBINSON: Well, Your Honor, Officer Sheehan
18 has recounted what he encountered with my client
19 involving a store at Walgreen's, and that would go to
20 his familiarity with my client. And we have information
21 that perhaps the officer is mistaken, that there is
22 another individual who is known for acting in this way.

23 THE COURT: So are you suggesting that it was Mr.
24 Norton, whomever, who was actually involved in the
25 exhibiting in this manner?

1 MR. ROBINSON: Yes.

2 THE COURT: And not Mr. Abdul-Alim, who was the
3 person they were looking for?

4 MR. ROBINSON: Yes.

5 THE COURT: All right. So there were other officers
6 involved with the informants?

7 MR. ROBINSON: Yes, Your Honor.

8 THE COURT: All right, I will let you have it.

9 THE WITNESS: It definitely wasn't Norton. It was
10 Abdul-Alim that was in the Walmart that day. I'm one
11 hundred percent positive.

12 Q. (BY MR. ROBINSON) Okay, just a couple more
13 things. Getting back to just very briefly just a
14 couple of questions I have and then I'm finished. In
15 terms of Informant A, are you aware of any promises,
16 rewards or offers that were offered to Informant A in
17 exchange for information provided?

18 MR. FLANNERY: I would object to that, Your Honor.
19 I don't see how it is relevant. It is beyond the scope
20 of direct-examination.

21 THE COURT: The objection is over-ruled. You may
22 answer.

23 THE WITNESS: Prior to the arrest, no.

24 MR. ROBINSON: Okay.

25 Q. (BY MR. ROBINSON) Are you aware of any threats

1 that were made against Informant A prior to the arrest
2 with respect to providing information in this case?

3 A. No.

4 THE COURT: Well, who does that mean?

5 MR. ROBINSON: Law enforcement or anybody else.

6 THE WITNESS: No.

7 Q. (BY MR. ROBINSON) And I would ask you the same
8 thing with respect to Informant B, were you aware of
9 any promises, rewards or threats that were made to
10 Informant B with respect to providing information in
11 this case?

12 A. No. And I'm not familiar with them. I don't
13 have the basis or knowledge to answer that question
14 because I'm not familiar with the person that, you know,
15 the informant, no.

16 Q. Now, with respect to Informant A, you said there
17 were no promises or rewards being made prior to arrest.
18 Were there any rewards provided to the informant after
19 the arrest?

20 A. For what purpose?

21 Q. Any purpose.

22 A. The informant has received monetary compensation.

23 Q. Do you know how much?

24 A. Not off hand.

25 MR. FLANNERY: I would object to that, Your Honor.

1 As far as this officer's familiarity with the Defendant
2 I don't see how that is relevant.

3 THE COURT: It also seems to suggest -- remember,
4 it is comparing what you do with it that you want
5 suppressed. It also suggests whether this informant,
6 whether the funds he was receiving, if they were the
7 particular funds paid to the informant, I will certainly
8 allow him to have the question.

9 Q. (BY MR. ROBINSON) So you indicated that
10 Informant A had received monetary compensation, you are
11 not sure how much. Do you know when the informant
12 received that monetary compensation?

13 A. No, I do not.

14 Q. And--

15 A. I should say I don't have specific dates. I mean
16 this is information that can be requested and will
17 eventually be provided.

18 Q. So it wasn't you that was involved with
19 providing the compensation to the informant?

20 A. As I said, the information, we can document when
21 and where I was involved, and I was involved at certain
22 times, yes.

23 Q. Certain times?

24 A. At certain times, yes.

25 Q. So you were involved with him providing money to

1 the informant?

2 A. That's correct.

3 Q. And so what amounts of money did you personally
4 provide?

5 A. Off the top of my head, I 'couldn't tell you exact
6 amounts. I would say amounts over a thousand dollars
7 would be adequate to describe.

8 Q. So, you have personally provided, after the
9 arrest of him, to Informant A amounts over a thousand
10 dollars. Would it be in excess of \$5,000?

11 A. No.

12 Q. But over a thousand dollars?

13 A. That would be fair to say.

14 Q. Okay. And was that in one payment or was that a
15 series of payments that you made?

16 A. It varies. I can testify that there was several
17 that I have had involvement with, but there might be
18 more, there might be less, or there might be more that
19 I'm involved with, but I can't testify to that.

20 Q. Okay. So there were several payments made by
21 you to Informant A, and the total of the several
22 payments came to somewhere in excess of a thousand
23 dollars, is that fair to say?

24 A. Yes, I think it is fair to say they are in excess
25 of a thousand dollars.

1 Q. And did you converse with the informant about
2 the compensation that they would receive prior to
3 providing information?

4 A. Compensation for him provided and was based on
5 not in any way or matter that would deal with the arrest
6 of Mr. Abdul-Alim.

7 Q. So the compensation that was received by the
8 informant had nothing to do with Mr. Abdul's arrest?

9 A. That's correct.

10 Q. So the compensation that you provided to the
11 informant in this case was compensation for work that
12 was being done on other cases?

13 A. That's correct.

14 Q. Were you Informant A's handler, so to speak, the
15 primary contact person between the Springfield Police
16 Department and Informant A?

17 A. Yes.

18 Q. Were other members of the Springfield Police
19 Department working with Informant A, or were you the
20 primary individual that was working with Informant A?

21 A. There were others, there were others.

22 Q. So there were -- you were working with Informant
23 A, there were other people in law enforcement working
24 with Informant A, but to your knowledge, none of the
25 information provided by Informant A or the activities

1 done by informant A resulted in any charge or
2 conviction, is that right?

3 A. Prior to the arrest of Mr. Abdul-Alim?

4 Q. Correct.

5 A. No.

6 Q. Now, you had indicated that you had last contact
7 with Informant A while the arrest was taking place.
8 Was Informant A at the scene --

9 MR. FLANNERY: Objection.

10 MR. ROBINSON: -- of the arrest?

11 THE COURT: Sustained.

12 Q. (BY MR. ROBINSON) Did Informant A ever make an
13 identification of Mr. Abdul-Alim?

14 A. Yes.

15 Q. Did the Informant A make an identification of
16 Mr. Abdul-Alim prior to the arrest in this case?

17 A. Yes.

18 Q. Did Informant A make an identification of
19 Mr. Abdul-Alim after the arrest in this case?

20 A. No.

21 Q. Are you aware whether or not Informant B had
22 made an identification of Mr. Abdul-Alim?

23 A. No, I'm not. As far as a photo identification,
24 I'm not aware of that.

25 Q. Are you aware of whether or not Informant B had

1 any open cases with charges pending against him or her?

2 A. I'm not aware of that.

3 Q. Are you aware of whether or not Informant B had
4 any type of criminal background?

5 A. I'm not aware of that.

6 Q. What about with respect to Informant A, were you
7 aware if Informant A had any open charges or
8 investigations pending?

9 A. At the time I was not aware of any.

10 Q. Are you presently aware of any investigations or
11 cases or charges pending against Informant A?

12 A. I'm not aware of any.

13 Q. Are you aware of whether or not Informant A has
14 any type of criminal history?

15 A. I don't believe so, but I'm not sure.

16 MR. ROBINSON: May I have a moment?

17 THE COURT: Yes.

18 (A brief pause in the proceedings).

19 Q. (BY MR. ROBINSON) You indicated that previously
20 that you were investigating the narcotics activity at
21 the Getty Gas Station, and that information that you
22 had was that Mr. Abdul-Alim was involved in
23 transactions there, is that correct?

24 A. Yes, there is activity involving Mr. Abdul-Alim
25 in the area of the Getty Gas Station which also

1 encompasses the block at 683, 685, 687 State Street, in
2 that area, yes.

3 Q. Was it your belief that Mr. Abdul-Alim among
4 other potential suspects may have been transacting with
5 a gentleman in a white jeep?

6 A. My observations were focused on the white jeep to
7 see what activities and who was involved.

8 MR. ROBINSON: One moment please, Your Honor.

9 THE COURT: Yes, certatinly.

10 (A brief pause).

11 Q. (BY MR. ROBINSON) So as a result of your
12 investigation into that narcotics activity of the white
13 jeep, the jeep was stopped, is that correct?

14 A. Yes.

15 Q. And the driver of that vehicle was identified?

16 A. Yes.

17 Q. And the vehicle was searched?

18 A. No, not for narcotics. I believe there was a
19 safety sweep that may have been conducted of the front
20 driver's compartment. I'm assuming that, but I know
21 that the vehicle was not searched for narcotics. There
22 was not enough probable cause to do so.

23 Q. But that was a safety sweep?

24 A. I am assuming that. I didn't see it but I assume
25 the officers --

1 Q. And narcotics were recovered?

2 A. No.

3 MR. ROBINSON: One moment, Your Honor?

4 THE COURT: Yes.

5 (A brief pause).

6 Q. (BY MR. ROBINSON) The information that you had
7 with respect to the white jeep, was that information
8 that the gentleman in the white jeep was going to
9 deliver narcotics, is that correct?

10 A. Negative. It was just going to be a brief
11 transaction, and my intent was to determine exactly what
12 was going to transpire, not narcotics.

13 Q. So you didn't know if the gentleman in the white
14 jeep was bringing drugs and hoping to get compensation
15 for that or was hoping to buy drugs?

16 A. Correct, correct.

17 MR. ROBINSON: I have no further questions at this
18 time, Your Honor.

19 THE COURT: Thank you. Mr. Flannery, do you have
20 any questions?

21 MR. FLANNERY: Your Honor, it is a voir dire, so I
22 don't think it is my place to ask any questions.

23 THE COURT: All right.

24 STENOGRAPHER: Your Honor, may I have the witness's
25 name?

1 THE WITNESS: My name is Ronald Sheehan,
2 S-H-E-E-H-A-N.

3 STENOGRAPHER: Thank you, sir.

4 THE COURT: All right.

5 MR. ROBINSON: Your Honor, may I address a couple
6 of things?

7 THE COURT: Yes.

8 MR. ROBINSON: Well, Your Honor, just to the extent
9 of voir dire hearing with respect to Officer Sheehan's
10 knowledge of my client, you obviously had the
11 opportunity to hear all of that, and in the interest of
12 the official administration of justice, it might make
13 sense if Your Honor took jurisdiction of the matter with
14 respect to the motion to suppress.

15 THE COURT: It is not my prerogative to do that.

16 MR. ROBINSON: Yes, Your Honor.

17 THE COURT: It is not my prerogative. The issue of
18 the motion to suppress has been provided, so I suggest
19 that I have heard the testimony of the motion to
20 suppress, if you have objections of my hearing of the
21 scope of the hearing --

22 MR. ROBINSON: No, Your Honor.

23 THE COURT: If you want to conduct anything further,
24 you can do so by motion and the motion will be
25 scheduled.

1 MR. ROBINSON: Thank you, Your Honor.

2 THE COURT: Is there something else?

3 MR. ROBINSON: Yes, I apologize.

4 THE COURT: You may step down officer.

5 THE WITNESS: Thank you.

6 MR. ROBINSON: I wonder if you would hear me on a
7 motion for a transcript of today's proceeding.

8 THE COURT: I will hear you.

9 MR. ROBINSON: Okay. I have a written motion for
10 the request, Your Honor.

11 THE COURT: That motion is allowed. I will endorse
12 it for you.

13 (The Judge endorses the motion for the transcript).
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16 (Voir Dire Motion to Suppress adjourned).
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\$	A				
\$5,000 [1] - 20:9	A's [1] - 21:13 abdul [2] - 17:1, 22:12 ABDUL [1] - 1:9 Abdul [33] - 1:17, 3:5, 3:23, 4:3, 4:12, 4:18, 4:21, 5:3, 5:7, 6:2, 6:19, 7:6, 9:5, 9:11, 9:15, 9:18, 9:19, 10:2, 10:16, 10:20, 11:2, 11:21, 14:17, 17:9, 21:5, 22:2, 22:15, 22:18, 22:21, 23:21, 23:23, 24:2 Abdul's [1] - 21:7 ABDUL-ALIM [1] - 1:9 abdul-Alim [2] - 17:1, 22:12 Abdul-Alim [24] - 1:17, 3:5, 3:23, 4:3, 4:12, 4:18, 5:3, 6:2, 6:19, 7:6, 9:11, 9:19, 10:16, 10:20, 11:21, 17:9, 21:5, 22:2, 22:15, 22:18, 22:21, 23:21, 23:23, 24:2 Abdul-Lotte [3] - 9:5, 9:11, 9:18 academy [1] - 14:25 acting [1] - 16:21 action [1] - 10:16 actions [1] - 15:3 activities [2] - 21:24, 24:6 activity [3] - 23:19, 23:23, 24:11 address [1] - 26:4 adequate [1] - 20:6 adjourned [1] - 27:15 adminlstration [1] - 26:11 affidavit [1] - 8:13 afternoon [3] - 3:7, 3:8, 3:9 Agent [4] - 3:19, 3:22, 4:4, 4:11 agents [1] - 3:12 aisle [2] - 13:20, 13:21 alias [1] - 9:18 ALIM [1] - 1:9 Alim [27] - 1:17, 3:5, 3:23, 4:3, 4:12, 4:18, 5:3, 6:2, 6:19, 6:24, 7:6, 9:11, 9:19, 10:16, 10:20, 11:21, 17:1, 17:9, 21:5, 22:2, 22:12, 22:15, 22:18, 22:21, 23:21,	23:23, 24:2 allegations [2] - 7:21, 9:3 allow [1] - 19:7 allowed [1] - 27:10 almost [2] - 10:1, 10:12 amounts [4] - 20:2, 20:5, 20:8 Angel [1] - 14:15 answer [3] - 10:25, 17:21, 18:12 apologize [1] - 27:2 appear [1] - 13:20 aPPEARANCES [1] - 1:14 appeared [5] - 12:1, 12:6, 12:16, 13:20, 14:10 approach [1] - 8:15 area [5] - 7:2, 15:16, 15:25, 23:24, 24:1 arms [1] - 14:8 arousal [1] - 14:11 arrest [14] - 4:7, 16:10, 17:22, 17:25, 18:16, 18:18, 20:8, 21:4, 21:7, 22:2, 22:6, 22:9, 22:15, 22:18 arrested [2] - 4:4, 15:24 arrived [2] - 6:10, 6:16 Arts [4] - 13:21, 13:23, 14:4, 16:1 assault [2] - 7:18, 9:22 assistance [1] - 11:16 Assistant [1] - 1:16 associate [1] - 10:2 association [2] - 10:5, 10:12 assume [1] - 24:23 assuming [2] - 24:19, 24:23 attempt [3] - 12:23, 14:11, 14:20 attempting [1] - 12:6 attention [1] - 15:1 Attorney [1] - 1:18 Attorney's [1] - 1:15 Attorneys [1] - 3:6 August [2] - 1:22, 2:25 aware [24] - 5:13, 9:20, 12:14, 13:7, 13:8, 14:13, 14:25, 15:2, 15:3, 17:14, 17:24, 18:7, 22:20, 22:23, 22:24, 23:1, 23:2, 23:4, 23:6, 23:8, 23:9, 23:11, 23:12	awareness [1] - 12:14 Ayyub [5] - 3:5, 4:3, 9:4, 9:11 AYYUB [1] - 1:9	B background [1] - 23:3 based [3] - 6:5, 9:12, 21:3 basis [1] - 18:12 battery [2] - 7:18, 9:22 became [2] - 10:18, 14:13 BEFORE [1] - 1:12 began [2] - 8:3, 8:22 behavior [2] - 13:22, 15:24 belief [4] - 9:10, 10:18, 12:20, 24:2 best [1] - 14:4 between [2] - 10:6, 21:14 beyond [3] - 4:1, 5:8, 17:18 block [1] - 23:25 body [1] - 12:11 brlef [5] - 7:8, 15:13, 23:17, 24:9, 25:4, 25:9 briefly [1] - 17:12 bringing [1] - 25:13 brought [1] - 15:1 buy [1] - 25:14 BY [13] - 3:17, 4:3, 5:25, 8:20, 15:14, 17:11, 17:24, 18:6, 19:8, 22:11, 23:18, 24:10, 25:5	23:6, 23:10 check [1] - 11:25 check-out [1] - 11:25 checked [1] - 9:16 checking [1] - 11:21 cited [1] - 4:21 claim [2] - 9:22, 10:21 CLERK [1] - 3:4 clerk [1] - 14:14 client [4] - 5:14, 16:17, 16:19, 26:9 close [7] - 12:5, 12:7, 12:17, 12:21, 12:23, 12:25, 13:2 common [1] - 12:22 COMMONWEALTH [2] - 1:3, 1:6 Commonwealth [3] - 1:14, 2:5, 3:5 Commonwealth's [1] - 2:10 COMMONWEALTH'S [1] - 2:19 communication [1] - 7:8 comparing [1] - 19:3 compartment [1] - 24:19 compensation [10] - 18:21, 19:9, 19:11, 19:18, 21:1, 21:3, 21:6, 21:9, 21:10, 25:13 complaint [1] - 7:17 conduct [2] - 14:18, 26:22 conducted [2] - 8:8, 24:18 Conference.. [1] - 2:16 contact [2] - 21:14, 22:5 CONTINUATION [1] - 3:14 conversation [1] - 7:8 converse [1] - 20:25 conviction [1] - 22:1 copy [1] - 8:14 correct [44] - 3:20, 3:21, 3:24, 4:5, 4:8, 4:12, 4:13, 4:15, 4:19, 4:20, 4:23, 4:24, 5:2, 6:11, 6:14, 6:18, 6:20, 7:22, 9:5, 9:8, 9:9, 9:16, 9:25, 10:2, 10:14, 10:17, 10:21, 11:4, 11:8, 11:19, 12:19, 12:21, 13:5, 13:18, 14:19, 20:1, 21:8, 21:12,
0					
01103 [2] - 1:15, 1:19					
1					
1 [1] - 1:1 106 [1] - 2:20 1145 [1] - 1:18 11th [2] - 4:9, 4:10 12 [1] - 2:20					
2					
2 [1] - 1:1 2009 [3] - 4:19, 5:17, 6:3, 7:25, 8:2, 8:3, 8:24, 9:24 2010 [2] - 7:21, 9:8 2011 [1] - 11:19 2012-43 [2] - 1:8, 3:6 2013 [2] - 1:22, 2:25 26 [1] - 2:8 28 [2] - 1:22, 2:25					
4					
4 [1] - 2:8 48 [1] - 2:8					
5					
5 [1] - 1:21 61 [2] - 2:8, 2:12					
6					
68 [1] - 2:13 683 [1] - 23:25 685 [1] - 23:25 687 [1] - 23:25 69 [1] - 2:12					
7					
70 [1] - 2:13 707 [1] - 11:7 71 [1] - 2:15 74 [1] - 2:16			C car [1] - 6:7 case [7] - 10:2, 10:6, 18:1, 18:10, 21:10, 22:15, 22:18 cases [3] - 21:11, 22:25, 23:10 cell [2] - 11:13, 11:14 certain [4] - 16:3, 19:20, 19:22, 19:23 certainly [1] - 19:6 certatinly [1] - 24:8 charge [3] - 9:21, 10:9, 21:25 Charge [1] - 2:16 charged [1] - 14:17 charges [3] - 22:25,		

<p>22:3, 23:22, 24:12, 25:8, 25:15 Counter [1] - 3:20 couple [3] - 17:11, 17:13, 26:4 course [2] - 6:16, 9:15 court [1] - 3:3 Court [4] - 1:3, 1:21, 1:24, 2:24 COURT [30] - 1:4, 3:2, 3:9, 4:2, 5:11, 5:16, 5:19, 5:24, 8:16, 15:12, 15:20, 16:2, 16:7, 16:13, 16:22, 17:1, 17:4, 17:7, 17:20, 18:3, 19:2, 22:10, 23:16, 24:8, 25:3, 25:18, 25:22, 26:3, 26:6, 26:14, 26:16, 26:22, 27:1, 27:3, 27:7, 27:10 crime [1] - 14:18 criminal [3] - 9:16, 23:3, 23:13 criminals [1] - 12:23 CROSS [2] - 2:4, 3:16 CROSS-EXAMINATION [1] - 3:16 CVS [1] - 11:22</p>	<p>DIRE [2] - 1:12, 3:14 dire [2] - 25:20, 26:8 Dire [1] - 27:15 direct [2] - 2:4, 17:19 direct-examination [1] - 17:19 directed [1] - 14:8 direction [1] - 14:7 discovery [1] - 16:3 discuss [1] - 6:23 discussed [1] - 7:11 discussing [1] - 7:17 disorderly [1] - 14:18 District [2] - 1:15, 1:16 division [1] - 10:9 Docket [2] - 1:8, 3:5 document [3] - 8:17, 8:21, 19:19 dollars [5] - 20:5, 20:9, 20:11, 20:22, 20:24 done [2] - 21:11, 21:25 down [1] - 27:3 draw [1] - 10:5 driver [1] - 24:14 driver's [1] - 24:19 drugs [2] - 25:13, 25:14 during [4] - 6:12, 6:16, 9:14, 11:12 duties [2] - 14:19, 14:21</p>	<p>exact [2] - 8:1, 20:4 exactly [1] - 25:10 EXAMINATION [1] - 3:16 examination [1] - 17:19 excess [3] - 20:9, 20:21, 20:23 exchange [1] - 17:16 excuse [1] - 7:23 Exhibit [1] - 2:20 exhibiting [1] - 16:24 Exhibits [1] - 1:2 extent [2] - 7:12, 26:7 extra [1] - 11:3 extract [1] - 12:24</p>	<p>gather [1] - 15:23 gathered [1] - 14:21 general [2] - 7:3, 7:12 gentleman [7] - 15:15, 15:16, 15:23, 24:4, 25:7, 25:12 Getty [2] - 23:20, 23:24 given [1] - 10:4 glasses [1] - 7:24 Glenn [1] - 2:6 grab [2] - 13:5, 13:14 Gregory [1] - 2:6 gross [1] - 7:18 gun [2] - 12:18, 13:14</p>	<p>22:21, 22:22 identified [2] - 9:4, 24:14 identify [1] - 10:23 II [1] - 2:6 immediately [1] - 10:4 impression [1] - 12:10 incident [3] - 7:25, 8:1, 16:9 indecent [2] - 7:17, 9:21 Indicated [10] - 4:16, 7:16, 11:1, 11:9, 12:2, 12:16, 14:12, 19:8, 22:5, 23:18 individual [3] - 10:24, 16:21, 21:19 informant [28] - 17:14, 17:15, 17:25, 18:7, 18:9, 18:15, 19:9, 20:8, 20:20, 21:13, 21:15, 21:18, 21:19, 21:21, 21:23, 21:24, 22:6, 22:7, 22:11, 22:14, 22:17, 22:20, 22:24, 23:2, 23:5, 23:6, 23:10, 23:12 informant [12] - 18:14, 18:17, 18:21, 19:4, 19:6, 19:10, 19:18, 19:25, 20:25, 21:7, 21:10, 21:25 Informants [1] - 17:5 information [13] - 7:3, 14:21, 16:19, 17:16, 18:1, 18:9, 19:15, 19:19, 21:2, 21:24, 23:20, 25:5, 25:6 initial [1] - 8:8 Initiated [1] - 6:5 Inquired [1] - 7:3 inquiries [1] - 7:12 intent [1] - 25:10 Interest [1] - 26:10 Interfere [1] - 14:20 interfering [1] - 14:19 Interview [1] - 4:14 interviewed [2] - 4:12, 10:20 Investigating [1] - 23:19 investigation [5] - 7:17, 8:3, 8:8, 8:22, 24:11 Investigations [8] - 3:11, 3:23, 5:13, 9:15, 23:7, 23:9 Involved [13] - 3:22, 5:6, 5:13, 14:22, 16:23, 17:5, 19:17,</p>
<p>D</p> <p>date [4] - 1:22, 4:7, 8:1, 10:15 dated [1] - 7:25 dates [1] - 19:14 days [2] - 4:6, 4:10 deal [1] - 21:4 December [1] - 4:9 Defendant [8] - 1:9, 1:17, 3:3, 5:10, 8:25, 18:25 Defendant's [1] - 2:15 definitely [1] - 17:8 deliver [1] - 25:8 Department [3] - 1:3, 21:15, 21:18 department [1] - 10:15 Department's [1] - 11:3 describe [2] - 14:5, 20:6 description [2] - 9:12, 10:4 despairance [1] - 10:19 detail [1] - 11:3 determine [1] - 25:10</p>	<p>E</p> <p>early [1] - 7:1 Edward [1] - 6:4 encompasses [1] - 23:25 encounter [2] - 11:12, 11:18 encountered [2] - 11:9, 16:17 encounters [1] - 4:17 ended [1] - 6:19 endorse [1] - 27:10 endorses [1] - 27:12 enforcement [4] - 5:6, 6:1, 18:4, 21:22 England [1] - 3:20 enters [1] - 3:3 erratic [1] - 14:9 Esquire [2] - 1:18, 1:19 essentially [1] - 4:25 evening [1] - 7:1 event [1] - 14:15 eventually [1] - 19:16</p>	<p>F</p> <p>fact [1] - 9:11 fair [4] - 10:12, 20:12, 20:22, 20:23 familiar [5] - 11:1, 15:14, 15:17, 18:11, 18:13 familiarity [4] - 5:9, 16:9, 16:19, 18:25 far [3] - 7:10, 18:25, 22:22 Ferrara [1] - 2:25 FERRARA [1] - 1:12 Finding.. [1] - 2:15 finished [1] - 17:13 firearm [2] - 12:21, 13:5 First [1] - 1:16 Flaherty [1] - 1:23 FLANNERY [8] - 3:7, 3:25, 5:8, 15:18, 17:17, 18:24, 22:8, 25:20 Flannery [4] - 1:16, 3:6, 8:17, 25:18 flowers [1] - 12:10 focus [1] - 5:14 focused [1] - 24:5 focusing [1] - 3:23 following [3] - 5:3, 5:7, 8:1 Force [1] - 3:20 forward [1] - 10:19 Frank [1] - 1:16 front [1] - 24:18 funds [2] - 19:5, 19:6</p>	<p>H</p> <p>Hampden [2] - 1:3, 1:15 hand [4] - 12:11, 12:17, 13:6, 18:23 handler [1] - 21:13 head [2] - 8:6, 20:4 health [1] - 15:25 hear [3] - 26:10, 27:5, 27:7 heard [1] - 26:18 HEARING [1] - 3:14 hearing [3] - 26:8, 26:19, 26:20 HELD [1] - 1:12 help [1] - 11:12 Hilgen [4] - 3:19, 3:22, 4:4, 4:11 history [1] - 23:13 holstered [1] - 12:17 Honor [20] - 3:4, 3:7, 3:25, 5:12, 8:15, 15:11, 15:18, 15:22, 16:6, 16:12, 16:16, 17:6, 17:17, 18:24, 24:7, 25:2, 25:17, 25:20, 25:23, 26:4, 26:7, 26:12, 26:15, 26:21, 26:25, 27:9 HONORABLE [1] - 1:12 Honorable [1] - 2:25 hoping [2] - 25:13, 25:14 hours [1] - 7:1 hundred [1] - 17:10</p>	
		<p>G</p> <p>Gas [2] - 23:20, 23:24</p>	<p>I</p> <p>identification [5] - 22:12, 22:14, 22:17,</p>	

19:20, 19:24, 20:18, 23:21, 24:6 involvement [1] - 20:16 involving [3] - 14:18, 16:18, 23:23 issue [1] - 26:16 issues [1] - 15:25 item [1] - 16:3 items [3] - 11:22, 11:25, 16:4	look [1] - 12:4 looking [4] - 11:13, 11:16, 12:9, 17:2 lost [3] - 11:13, 11:14 Lotte [3] - 9:5, 9:11, 9:18 lunges [1] - 14:6 lunging [2] - 13:11, 13:15	movements [1] - 13:15 moves [5] - 13:21, 13:23, 13:24, 14:4, 16:1 moving [1] - 4:16 MR [50] - 3:7, 3:8, 3:13, 3:17, 3:25, 4:3, 5:8, 5:12, 5:18, 5:21, 5:25, 8:15, 8:20, 15:11, 15:14, 15:18, 15:22, 16:6, 16:12, 16:16, 16:25, 17:3, 17:6, 17:11, 17:17, 17:23, 17:24, 18:4, 18:6, 18:24, 19:8, 22:8, 22:9, 22:11, 23:15, 23:18, 24:7, 24:10, 25:2, 25:5, 25:16, 25:20, 26:4, 26:7, 26:15, 26:21, 26:25, 27:2, 27:5, 27:8	26:9 occupied [1] - 12:8 occurred [1] - 10:11 October [3] - 8:5, 8:24, 9:24 OF [4] - 1:3, 1:4, 1:6, 3:14 offered [1] - 17:15 offers [1] - 17:15 Office [1] - 1:15 Officer [9] - 5:13, 5:16, 5:22, 6:4, 8:7, 8:25, 9:1, 16:16, 26:8 officer [7] - 5:19, 5:21, 6:8, 7:14, 13:1, 16:20, 27:3 officer's [2] - 16:8, 18:25 officers [5] - 6:25, 7:2, 15:2, 17:4, 24:24 officers' [1] - 12:24 official [1] - 26:11 Official [1] - 1:24 once [1] - 14:2 one [8] - 4:17, 7:23, 9:20, 11:12, 17:9, 20:13, 24:7, 25:2 open [3] - 7:18, 22:25, 23:6 operated [1] - 6:24 operating [2] - 4:22, 6:13 opportunity [1] - 26:10 over-ruled [2] - 5:24, 17:20	perception [1] - 13:1 perhaps [1] - 16:20 person [5] - 9:3, 9:4, 16:11, 17:2, 18:13, 21:14 personally [2] - 20:2, 20:7 personnel [1] - 6:1 pharmacy [1] - 11:5 PhD [1] - 2:11 phone [2] - 11:13, 11:14 photo [1] - 22:22 place [2] - 22:6, 25:21 point [4] - 10:5, 10:10, 10:11, 13:9 police [6] - 4:4, 7:14, 9:23, 10:15, 10:20, 16:8 Police [3] - 11:3, 21:14, 21:17 positioned [1] - 12:11 positive [1] - 17:10 potential [3] - 7:13, 10:6, 24:3 potentially [2] - 14:22, 15:3 practice [1] - 12:22 prerogative [2] - 26:14, 26:16 present [4] - 4:7, 4:9, 5:23, 6:7 presently [1] - 23:9 pretending [2] - 12:4, 12:8 previous [1] - 6:25 previously [4] - 4:17, 6:25, 7:16, 23:18 primary [2] - 21:14, 21:19 probable [1] - 24:21 probing [3] - 12:25, 13:2, 14:22 proceeding [1] - 27:6 proceedings [1] - 23:17 process [1] - 10:3 promises [3] - 17:14, 18:8, 18:16 provide [1] - 20:3 provided [10] - 9:12, 10:7, 17:16, 18:17, 19:16, 20:7, 21:3, 21:9, 21:24, 26:17 providing [5] - 18:1, 18:9, 19:18, 19:24, 21:2 proximity [2] - 12:17, 13:7 purchase [2] - 11:22,
J	M	N	P	
James [1] - 3:19 jeep [7] - 24:4, 24:5, 24:12, 25:6, 25:7, 25:13 Job [1] - 11:3 JOHN [1] - 1:12 John [1] - 2:25 Judge [1] - 27:12 July [2] - 7:21, 9:8 jurisdiction [1] - 26:12 Jury [1] - 2:16 Justice [1] - 26:11	Main [1] - 1:18 manner [3] - 14:9, 16:24 Manzi [1] - 6:4 Martial [4] - 13:21, 13:23, 14:4, 16:1 MASSACHUSETTS [2] - 1:3, 1:6 Massachusetts [3] - 1:15, 1:19, 1:21 matter [2] - 21:4, 26:12 mean [2] - 18:3, 19:14 Medical [1] - 2:20 member [1] - 3:19 members [1] - 21:17 merchandise [2] - 12:4, 12:9 middle [2] - 13:19, 13:21 might [4] - 20:16, 20:17, 26:11 mind [1] - 12:13 minutes [1] - 6:21 missing [2] - 16:7, 16:13 mistaken [2] - 16:10, 16:20 moment [5] - 8:20, 15:11, 23:15, 24:7, 25:2 monetary [3] - 18:21, 19:9, 19:11 money [2] - 19:24, 20:2 Monique [2] - 8:7, 9:1 morning [2] - 3:2, 7:1 MOTION [1] - 1:12 motion [11] - 2:3, 16:3, 26:13, 26:17, 26:18, 26:23, 27:6, 27:8, 27:10, 27:12 Motion [2] - 2:15, 27:15 motor [1] - 4:18 move [1] - 13:5 movement [1] - 13:12	name [9] - 8:25, 9:4, 10:6, 14:15, 15:15, 15:17, 15:23, 25:24, 25:25 narcotics [9] - 6:25, 7:2, 23:19, 24:11, 24:17, 24:20, 24:25, 25:8, 25:11 negative [1] - 25:9 never [4] - 10:20, 13:4, 13:11, 14:17 New [1] - 3:19 next [1] - 13:10 none [1] - 21:23 Nord [1] - 15:15 Norton [3] - 15:15, 16:23, 17:8 nothing [1] - 21:7 notified [2] - 14:23, 15:5 Number [1] - 3:5	Page [3] - 2:15, 2:16, 2:20 Pages [1] - 1:1 paid [1] - 19:6 part [1] - 9:14 particular [1] - 19:6 Patricia [1] - 1:23 pause [1] - 23:17 pause [3] - 15:13, 24:9, 25:4 payment [1] - 20:13 payments [3] - 20:14, 20:19, 20:21 Pearl [1] - 4:5 pending [3] - 22:25, 23:7, 23:10 people [2] - 14:12, 21:22 percent [1] - 17:10	
K		O		
kicks [1] - 14:6 kind [2] - 13:23, 14:6 knowledge [3] - 18:12, 21:23, 26:9 known [2] - 9:18, 16:21 Krystle [1] - 2:20 Kullg. [1] - 2:20		oath [1] - 3:10 object [4] - 3:25, 15:18, 17:17, 18:24 objection [4] - 5:8, 16:15, 17:20, 22:8 objections [1] - 26:19 observations [3] - 6:5, 13:9, 24:5 obviously [2] - 16:4,		
L				
last [1] - 22:5 law [4] - 5:6, 6:1, 18:4, 21:22 least [1] - 13:22 left [2] - 3:11, 3:18 leg [1] - 13:25 legs [1] - 14:7 lens [5] - 4:22, 4:25, 5:4, 5:7, 6:13 less [2] - 13:8, 20:17 lewdness [1] - 7:18 license [2] - 4:23, 6:13 light [1] - 5:1 line [2] - 11:25, 13:18 list [1] - 5:22 lives [1] - 15:16 located [1] - 11:7 location [1] - 7:4				

11:25 purpose [2] - 18:19, 18:20 puts [1] - 7:24 putting [1] - 12:17	responsiblity [1] - 10:5 result [3] - 4:18, 11:2, 24:10 resulted [1] - 21:25 resume [1] - 3:10 Resumes [2] - 2:7, 3:15 review [2] - 8:9, 8:21 reviewing [1] - 10:3 rewards [4] - 17:15, 18:8, 18:16, 18:17 Robinson [4] - 1:18, 1:19, 3:6, 8:17 ROBINSON [42] - 3:8, 3:13, 3:17, 4:3, 5:12, 5:18, 5:21, 5:25, 8:15, 8:20, 15:11, 15:14, 15:22, 16:6, 16:12, 16:16, 16:25, 17:3, 17:6, 17:11, 17:23, 17:24, 18:4, 18:6, 19:8, 22:9, 22:11, 23:15, 23:18, 24:7, 24:10, 25:2, 25:5, 25:16, 26:4, 26:7, 26:15, 26:21, 26:25, 27:2, 27:5, 27:8 RONALD [1] - 3:15 Ronald [1] - 25:25 Room [1] - 1:21 room) [1] - 3:3 Rubin [2] - 2:8, 2:13 ruled [2] - 5:24, 17:20 run [2] - 6:25, 7:14	Sergeant [4] - 14:23, 15:8, 15:9, 15:10 series [1] - 20:14 service [1] - 12:7 Session [1] - 2:24 several [6] - 4:6, 6:21, 11:10, 20:15, 20:19, 20:20 Sheehan [5] - 5:13, 5:16, 5:22, 16:16, 25:25 SHEEHAN [1] - 3:15 Sheehan's [1] - 26:8 shelves [1] - 12:9 shortly [1] - 13:15 show [1] - 8:11 shows [1] - 8:17 slide [1] - 12:11 similar [1] - 15:24 Simmons [1] - 15:15 situation [1] - 12:15 small [1] - 7:14 someone [1] - 10:1 sometimes [1] - 12:23 somewhere [1] - 20:21 sorry [1] - 15:18 sort [1] - 13:19 sought [1] - 11:16 sounds [1] - 15:17 speaking [1] - 6:19 special [1] - 3:11 Special [4] - 3:19, 3:22, 4:4, 4:11 specific [1] - 19:14 Springfield [6] - 1:15, 1:19, 1:21, 11:3, 21:14, 21:17 squatting [1] - 13:25 ss [1] - 1:3 stand [1] - 3:10 standing [2] - 12:3, 12:4 started [1] - 13:20 State [3] - 7:2, 11:7, 23:25 statement [1] - 9:4 station [1] - 4:5 Station [2] - 23:20, 23:24 STENOGRAPHER [2] - 25:23, 26:2 step [1] - 27:3 stepped [2] - 13:16, 13:17 still [1] - 3:10 stop [6] - 4:18, 5:16, 6:2, 6:5, 6:12, 6:16 stopped [1] - 24:12	store [3] - 11:15, 14:13, 16:18 strange [1] - 13:22 Street [5] - 1:18, 4:5, 7:2, 11:7, 23:25 stretching [1] - 13:25 stuff [1] - 14:1 submitted [2] - 8:13, 10:8 suggest [3] - 15:20, 19:2, 26:17 suggesting [1] - 16:22 suggests [1] - 19:4 summer [1] - 11:18 Sunday [1] - 4:10 Superior [1] - 1:3 supervisor [2] - 10:9, 15:5 supplemental [1] - 9:7 Suppress [1] - 27:15 SUPPRESS [2] - 1:12, 2:3 suppress [6] - 16:3, 16:4, 16:5, 26:13, 26:17, 26:19 suppressed [1] - 19:4 surely [1] - 15:12 suspect [1] - 10:6 suspects [1] - 24:3 sustain [1] - 16:15 sustained [2] - 4:2, 22:10 sweep [2] - 24:18, 24:22	27:1, 27:3, 27:4, 27:7, 27:10 thereafter [1] - 13:15 thinking [1] - 14:2 Thomas [4] - 1:18, 1:19, 2:8, 2:12 thousand [5] - 20:5, 20:8, 20:11, 20:21, 20:24 threats [2] - 17:24, 18:8 thrust [1] - 14:8 TO [2] - 1:12, 2:3 today's [1] - 27:6 took [2] - 10:1, 26:12 top [3] - 8:6, 9:1, 20:4 total [1] - 20:20 totalty [1] - 7:11 towards [2] - 14:9, 14:10 trained [1] - 14:25 transacting [1] - 24:3 transaction [1] - 25:10 transactions [1] - 23:22 transcript [1] - 27:6 transcript) [1] - 27:12 transpire [1] - 25:11 TRIAL [1] - 1:4 trying [4] - 12:20, 14:2, 14:10, 16:2 Turcotte [2] - 8:7, 9:2 Turcotte's [1] - 8:25 two [1] - 4:10 type [3] - 15:24, 23:3, 23:13
Q				
questions [4] - 17:13, 25:16, 25:19, 25:21				
R				
raised [1] - 14:8 raising [1] - 13:25 reaction [1] - 14:3 reason [1] - 7:13 Rebuttal [1] - 2:10 receive [2] - 7:5, 21:1 received [4] - 18:21, 19:9, 19:11, 21:6 receiving [1] - 19:5 recognize [1] - 10:23 recognized [1] - 10:4 recollection [2] - 8:12, 8:22 record [2] - 3:4, 9:18 recorded [1] - 4:14 Records [1] - 2:20 recounted [1] - 16:17 recovered [1] - 24:25 RECROSS [1] - 2:4 red [6] - 4:22, 4:25, 5:1, 5:4, 5:7, 6:12 REDIRECT [1] - 2:4 referring [1] - 7:19 refresh [2] - 8:12, 8:21 relevant [5] - 5:14, 16:9, 16:14, 17:18, 19:1 remember [1] - 19:2 report [9] - 5:22, 7:25, 8:9, 8:11, 9:7, 9:8, 9:10, 9:23, 10:8 reported [2] - 9:24, 10:10 Reporter [1] - 1:24 reports [1] - 10:3 request [1] - 27:9 requested [2] - 11:12, 19:15 Required [1] - 2:15 respect [11] - 8:23, 10:16, 10:21, 18:1, 18:7, 18:9, 18:15, 23:5, 25:6, 26:8, 26:13 responses [1] - 7:5				
	S			
	S-H-E-E-H-A-N [1] - 26:1 safely [1] - 13:6 safety [2] - 24:18, 24:22 scene [3] - 6:10, 6:17, 22:7 scheduled [1] - 26:24 scope [7] - 4:1, 5:8, 15:19, 15:21, 17:18, 26:20 searched [2] - 24:16, 24:20 second [1] - 7:23 secured [1] - 13:7 see [11] - 5:9, 9:6, 12:24, 13:2, 13:9, 14:2, 14:11, 17:18, 19:1, 24:6, 24:23 sense [2] - 16:9, 26:12			
			T	
			tactic [1] - 12:22 Tarpey [2] - 15:9, 15:10 Task [1] - 3:20 terms [1] - 17:14 testify [2] - 20:15, 20:18 testimony [3] - 7:19, 16:8, 26:18 THE [44] - 1:4, 1:12, 3:2, 3:4, 3:9, 4:2, 5:11, 5:16, 5:19, 5:24, 8:16, 8:19, 15:12, 15:20, 16:2, 16:7, 16:13, 16:22, 17:1, 17:4, 17:7, 17:8, 17:20, 17:22, 18:3, 18:5, 19:2, 22:10, 23:16, 24:8, 25:3, 25:18, 25:22, 25:25, 26:3, 26:6, 26:14, 26:16, 26:22,	
				U
				under [1] - 3:10 unexplainable [1] - 14:1 unwilling [1] - 10:19 up [3] - 6:19, 9:1, 13:25
				V
				varies [1] - 20:15 vehicle [6] - 6:24, 7:4, 7:14, 24:14, 24:16, 24:20 verbal [2] - 15:6, 15:7 versus [1] - 3:5 victim [4] - 5:17, 9:12, 10:7, 10:18 video [1] - 4:14 violation [5] - 4:22,

4:25, 5:4, 5:7, 6:13
 voir [2] - 25:20, 26:8
 VOIR [2] - 1:12, 3:14
 Volr [1] - 27:15
 Volume [1] - 1:1

W

Walgreen's [2] - 11:5,
 16:18
 walked [1] - 12:2
 Walmart [1] - 17:9
 watching [1] - 14:15
 weapon [5] - 12:7,
 12:25, 13:3, 13:6,
 14:22
 weapons [1] - 12:24
 Wellie [1] - 2:11
 white [6] - 24:4, 24:5,
 24:11, 25:6, 25:7,
 25:12
 Witness [1] - 2:10
 witness [2] - 7:24,
 14:14
 WITNESS [6] - 8:19,
 17:8, 17:22, 18:5,
 25:25, 27:4
 witness's [1] - 25:23
 witness) [1] - 8:18
 witnessed [1] - 14:16
 WITNESSES [1] - 2:4
 wonder [1] - 27:5
 writing [1] - 15:6
 written [1] - 27:8
 wrote [4] - 5:22, 9:7,
 10:8

Y

year [2] - 10:1, 10:12
 Yeh [1] - 2:11